



ARIZONA STATE SENATE
Fifty-Third Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2538

U.S. House vacancy; special election

Purpose

An emergency measure that modifies the process to fill a vacancy for the U.S. Senate and the U.S. House of Representatives.

Background

A vacancy because of a death or resignation in the office of U.S. Senate or Representative in Congress (U.S. Representative) is filled at the next general election. If the next general election is not to be held within six months from when a vacancy in the House occurs, the Governor will call a special primary election and a special general election to fill the vacancy. The special primary election is held 80 to 90 days after the vacancy and the special general election is held 50 to 60 days after the special primary election. For a vacancy in the office of U.S. Senator, the Governor appoints a person (appointee) to fill the vacancy until a person is elected at the next general election ([A.R.S. § 16-222](#)).

The Governor must issue a proclamation within 10 days after a vacancy occurs to announce the time of the special primary election and the special general election as well as the offices to be filled. The clerk of the county Board of Supervisor (BOS) must publish a copy of the proclamation in an official newspaper of the county at least five days before each election ([A.R.S. § 16-223](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a special primary election for a vacancy in the office of U.S. Representative to be held between 120 and 133 days after the vacancy, rather than between 80 and 90 days.
2. Requires a special general election for a vacancy in the office of U.S. Representative to be held between 70 and 80 days after the special primary election, rather than between 50 and 60 days.
3. Stipulates that if a vacancy occurs in the office of U.S. Senator:
 - a) more than 150 days before the next regular primary election, the current appointee will continue serving until the vacancy is filled at the next general election; or

- b) 150 days or less before the next regular primary election, the current appointee will continue serving until the vacancy is filled at the second regular general election held after the vacancy occurs.
- 4. Requires the BOS clerk of each participating county to post an election notice on a county-operated website stating the dates of the special primary election and special general election.
- 5. Specifies the BOS clerk of each participating county must first publish the notice within five days of receiving the proclamation.
- 6. Makes technical and conforming changes.
- 7. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by Committee of the Whole

- 1. Removes the requirement that any candidate for nomination submit at least 0.125 percent of the total number of qualified signers in the state.
- 2. Adds an emergency clause.

House Action

GOV 2/08/18 DPA 8-0-0-0
3rd Read 2/20/18 57-2-1

Senate Action

GOV 3/21/18 DP 7-0-0

Prepared by Senate Research

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JO/MG/lat